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**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF UTAH – CENTRAL DIVISION**

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ROBERT ANDREW LUCERO,

Plaintiff,

v.

UNITED STATES DISTRICT COURT,

Defendants.

**REPORT AND RECOMMENDATION**

Civil No. 2:09-cv-00055

Judge Tena Campbell

Magistrate Judge Brooke C. Wells

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Plaintiff Robert Andrew Lucero filed a complaint<sup>1</sup> on January 1, 2009, under [42 U.S.C. §§ 1983](#). Previously, the Court granted Plaintiff's application to proceed *in forma pauperis*.<sup>2</sup> Plaintiff now seeks official service of process<sup>3</sup> and appointment of counsel.<sup>4</sup> Having reviewed Plaintiff's complaint and the record in this case,<sup>5</sup> the Court recommends that Plaintiff's case be dismissed pursuant to [28 U.S.C. § 1915](#).

Plaintiff's Complaint is essentially blank. There are no facts asserted in support of a cause of action and there are no causes of action listed in the Complaint. Instead, under the request for relief Plaintiff has written "Social Security Disability Benefits."<sup>6</sup>

After an initial review of Plaintiff's Complaint, the Court afforded Mr. Lucero an opportunity to supplement or amend his Complaint in hopes that enough information would be presented to determine whether Mr. Lucero has a cognizable claim.<sup>7</sup> Mr. Lurcero, however, has failed to provide any additional information that would translate into any basis to assert a Civil Rights Complaint under 42 U.S.C. §1983.

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<sup>1</sup> Docket no. 3.

<sup>2</sup> Docket no. 2.

<sup>3</sup> Docket no. 5.

<sup>4</sup> Docket no. 6.

<sup>5</sup> The Court construes Mr.Lucero's pleadings liberally. See [Haines v. Kerner](#), 404 U.S. 519, 520-21 (1972).

<sup>6</sup>Complaint, p. 6.

<sup>7</sup> See Order dated April 30, 2009; see also [Hall v. Bellmon](#), 935 F.2d 1106, 1110 (10th Cir. 1991).

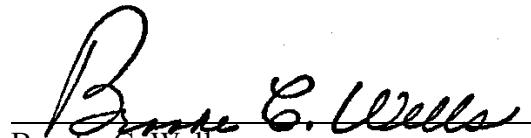
Because Mr. Lucero was granted permission to proceed *in forum pauperis*, the provisions of the *in forma pauperis* statute, [28 U.S.C. § 1915](#), apply. Under § 1915 the Court shall, at any time, *sua sponte* dismiss the case if the Court determines that the Complaint is frivolous or fails to state a claim upon which relief may be granted.<sup>8</sup> The Court has carefully reviewed Plaintiff's filings, and made every effort to try and determine a claim or cause of action from the file, but has been unable to do so. Accordingly, the Court recommends that this case be DISMISSED.

Finally, Plaintiff's Motion for Service of Process should be DENIED. And Plaintiff's Motion for Appointment of Counsel should be deemed MOOT because counsel has already assisted Plaintiff in this case.

#### **RECOMMENDATION**

Based on the foregoing, the court recommends this case be dismissed. Copies of this report and recommendation are being mailed to all parties who are hereby notified of their right to object. Any objection must be filed within ten days after receiving this Report and Recommendation. Failure to object may constitute a waiver of objections upon subsequent review.

DATED this 26th day of May, 2009.



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Brooke C. Wells  
United States Magistrate Judge

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<sup>8</sup> See 28 U.S.C. § 1915(e)(2).